

water quality protection activities that will advance the implementation of a comprehensive approved nonpoint source management program.

[54 FR 14358, Apr. 11, 1989, as amended at 59 FR 13817, Mar. 23, 1994]

§ 35.755 Awards to Indian Tribes.

(a) No grants for the development of an approved nonpoint source management program will be awarded to an Indian Tribe unless the Regional Administrator determines that the Tribe meets the requirements set forth at 40 CFR 130.6(d).

(b) No funds for the implementation of an approved nonpoint source management program will be awarded to an Indian Tribe unless:

(1) The Regional Administrator determines that the Indian Tribe meets the requirements set forth at 40 CFR 130.6(d).

(2) The Tribe agrees to:

(i) Maintain its aggregate expenditures from all other sources for programs controlling pollution from nonpoint sources and improving the quality of navigable waters within the Tribe's jurisdiction at or above the average levels of such expenditures in the fiscal years 1985 and 1986;

(ii) Limit administrative costs for services provided and charged against activities and programs carried out with a grant under section 319(h) to no more than 10 percent of the amount of the grant in any year, except that costs of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration projects, and technology transfer programs are not subject to this limitation; and

(iii) Provide a matching share in accordance with 40 CFR 35.760;

(iv) Use such funds for financial assistance to persons only to the extent that such assistance is related to the costs of demonstration projects.

(v) Report to the Administrator on an annual basis concerning (A) its progress in meeting the schedule of milestones submitted under section 319(b)(2)(C) of the Act and (B) to the extent that appropriate information is available, reductions in nonpoint source pollutant loading and improvements in water quality for those navi-

gable waters or watersheds within the jurisdiction of the Tribe which were identified under section 319(a)(1)(A) of the Act resulting from implementation of the management program.

(c) No funds to carry out ground-water protection activities under section 319(i) of the Act will be awarded to an Indian Tribe unless:

(1) The Regional Administrator determines that the Tribe meets the requirements for treatment as a State in accordance with 40 CFR 130.6(d) and 130.15; and

(2) The Tribe agrees to provide a matching share in accordance with 40 CFR 35.760.

(d) The Regional Administrator will not give a nonpoint source management continuation award to any Indian Tribe unless the Tribe shows satisfactory progress in meeting its negotiated milestones and goals.

[54 FR 14359, Apr. 11, 1989, as amended at 59 FR 13817, Mar. 23, 1994]

§ 35.760 Maximum Federal share.

(a) The Regional Administrator may provide up to 100 percent of approved work program costs for the development of a nonpoint source management program.

(b) Except as provided in paragraph (c) or (d) of this section, the Regional Administrator may provide to an Indian Tribe up to 60 percent of approved nonpoint source management implementation program costs, and 50 percent of approved ground-water protection program costs, on condition that the non-Federal share is provided from non-Federal sources.

(c) The Regional Administrator may increase the maximum Federal shares upon application and demonstration by the Tribe that it does not have adequate funds (including Federal funds authorized by statute to be used for matching purposes, tribal funds or in-kind contributions) to meet the required match. In no case shall the Federal share be greater than 90 percent.

(d) In any fiscal year, the amount of assistance awarded under section 319 of the Act to any one Indian Tribe treated as a State shall not exceed 15 percent of the section 319(h) reserve for Tribes established under § 35.115(e).